UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

ACTION MEMORANDUM – RV4

SUBJECT: Request for Approval of a Ceiling Increase and 12-Month Exemption for CERCLA Removal Action at the Deferiet Paper Mill Site, Village of Deferiet, Jefferson County, New York

FROM: Joel Petty, On-Scene Coordinator
Removal Action Branch

THRU: Joseph D. Rotola, Chief
Removal Action Branch

TO: Pat Evangelista, Director
Superfund and Emergency Management Division

Site ID No.: A26F

I. PURPOSE

The purpose of this Action Memorandum is to request a ceiling increase and an exemption from the 12-month statutory limitation for a removal action at the Deferiet Paper Mill Site ("Site") located in the Village of Deferiet, Jefferson County, New York. This will be the fourth in a series of removal activities (RV4) taken by the U.S. Environmental Protection Agency ("EPA") at the Site. The objective of the RV4 activities is to continue to minimize the threat posed to public health, welfare, or the environment by friable asbestos present at the Site. This will be accomplished under this Action Memorandum through a combination of removal of asbestos-containing material ("ACM"), encapsulation of ACM, and Site security measures. The total increase being requested for the RV4 activities is $1,244,000, of which $1,017,000 is for mitigation contracting. The proposed total project ceiling for the Site will be $1,728,000, of which $1,417,000 is for mitigation contracting.

Removal activities initially began at the Site on February 25, 2016 to encapsulate ACM (RV1). The approved total project ceiling for the RV1 activities was $150,000, all of which was for mitigation contracting. Further removal activities (RV2) involved removal of hazardous substances in drums and containers at the Site, which was initiated on July 11, 2017. The approved funding for those activities was $282,000, of which $200,000 was for mitigation contracting. Additional removal activities (RV3) involving encapsulating more of the ACM at the Site were initiated on October 12, 2018. Approved funding for RV3 was $52,000, of which $50,000 was for mitigation contracting.

The release of asbestos and the threat of future releases at and from the Site necessitate the additional removal activities called for in this Action Memorandum under the Comprehensive

Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §§9601-9675, and Section 300.415(b) of the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 C.F.R. §300.415(b).

Asbestos is the primary contaminant of concern, making the proposed removal activities qualify as nationally significant or precedent setting. In accordance with EPA's Non-Emergency Removal Concurrence Procedures and in consultation with EPA Headquarters ("HQ") Office of Emergency Management ("OEM") within the Office of Land and Emergency Management, HQ concurrence on this Action Memorandum is not required. This is because this Action Memorandum is for a ceiling increase and 12-month exemption without a significant change in scope since asbestos mitigation continues to be the primary focus of this removal action.

II. SITE CONDITIONS AND BACKGROUND

The Superfund Enterprise Management System ("SEMS") identification number for this time-critical removal action is NYD002229169.

A. Site Description

1. Removal Site Evaluation ("RSE")

The Site contains a 47.49-acre parcel identified as Parcel #66.82-1-67 on the Jefferson County tax map ("Lot 67") within a former industrial facility known as Deferiet Paper Mill located in the Town of Deferiet, New York. The Site is surrounded by residential properties to the north, west, and south and the Niagara Mohawk Power Canal ("Power Canal"), an off-shoot of the Black River, to the east. The Site contains a variety of dilapidated buildings that were part of the former paper mill. Deferiet Paper Mill historically operated on what are now six contiguous parcels. Part of the former facility is operated by Brookfield Renewable Energy Partners LP or Brookfield Renewable Power Inc. (collectively, "Brookfield") and owned by Erie Boulevard Hydropower LP as a power generation facility that operates a hydroelectric dam in the Power Canal. This parcel (#76.34-1-1.1) is adjacent to Lot 67 and is developed with a building that shares walls with buildings present on the Site. Employees of Brookfield must access the hydropower facility via an alleyway that runs between several of the large, crumbling buildings at the Site. Brookfield employees were concerned about potential exposure to friable asbestos whenever they accessed the hydropower facility via this area. Brookfield reportedly raised its employees' concerns to Jefferson County officials. In December 2015, Jefferson County requested the assistance of EPA to evaluate the area for suspect asbestos containing material ("SACM").

In March 2016, EPA activated and mobilized its Emergency and Rapid Response Services ("ERRS") contractors to assess the situation and apply a sealant on asbestos-containing pipe insulation exposed in the alleyway, under RV1, to temporarily protect Brookfield employees and the public, given that evidence of trespassing had been observed. In addition, an assessment was recommended of areas outside the alleyway to determine if asbestos was present in building materials, existing debris piles, partially demolished structures, equipment, and other locations at the Site. RV1 removal activities were completed on August 30, 2016.

On June 6, 2017, EPA and its Removal Support Team ("RST") contractors surveyed the Site with personnel from Brookfield. All buildings that were part of the historic Deferiet Paper Mill (to the west of the Power Canal) were observed to be vacant and abandoned. Several structures were partially demolished, had been allowed to fall into disrepair, and were impacting the structural integrity of the hydropower plant. Many building facades were observed to have openings likely from the extraction of large equipment that may have been sold or scrapped. The large complex appeared to be accessed by trespassers routinely, as evidence of such was found at the Site. SACM was observed to be exposed to weather conditions, damaged, hanging from numerous structures including equipment and piping, and present on various surfaces and in the interior and exterior of the structures.

While fencing was observed to be in place along the western perimeter of the Site, portions of it appeared to be intentionally damaged by trespassers. In addition, the southern boundary of the Site appeared to be open without security measures to prevent entry. Evidence of trespassing was observed at the Site, including in areas that are structurally unsound, contain SACM, and are generally unsafe for use or occupancy.

On June 7, 2017, EPA and RST contractors collected 30 samples of SACM for asbestos analysis. Samples were collected from equipment, debris piles, roofing systems, pipe insulation, equipment jackets, ceiling tiles and debris located at the Site. Seven samples (all insulation) were positive for the detection of asbestos, with concentrations ranging from 3.12% - 25% chrysotile, 12.5% crocidolite, and from 9.38% - 30% amosite asbestos. ACM was found in the turbine room, boiler room, machine room, and wet/beater room. Based upon the locations of the ACM in areas which presented physical hazards, including within deteriorating buildings, EPA began to evaluate mitigation options.

On May 8, 2018, EPA and RST contractors collected 17 SACM samples for asbestos analysis to further develop the scope of work necessary at the Site. Samples were collected from the exposed pipe insulation in the alleyway area, former company garage building, machine room, and multiple debris piles. Samples of brick and mortar were collected from debris piles. The samples in the alleyway area were collected from pipe insulation that had been encapsulated during RV1 but had since become exposed due to deterioration of the encapsulant. Seven samples (all insulation) were positive for the detection of asbestos, with concentrations ranging from <1.0% - 30.8% chrysotile, 4.88% - 7.69% crocidolite, and 2.56% - 15.8% amosite asbestos. The maximum concentrations found in the alleyway were 14.30% chrysotile, 7.69% crocidolite, and 15.80% amosite asbestos.

In September and October 2018, Brookfield informed EPA that the encapsulant used during RV1 was continuing to deteriorate, exposing larger areas of ACM within the alleyway. Brookfield personnel indicated that this area is traversed daily to access the hydropower facility. In October 2018, EPA activated and mobilized ERRS contractors to apply additional sealant on asbestos-containing pipe insulation exposed in the alleyway area to temporarily protect Brookfield employees and the public. This work (RV3) was completed on October 17, 2018.

EPA and Brookfield personnel held a series of discussions on how to more permanently mitigate the threats posed by ACM within Brookfield's access alleyway and throughout the property,

since the on-Site buildings containing ACM continue to deteriorate rapidly and the encapsulant utilized to mitigate the threat of asbestos in the alleyway has again begun to degrade due to weathering. Complete asbestos abatement through demolition of deteriorating, open buildings containing ACM has been determined to be impractical due to safety concerns and the potential for damage to Brookfield's facility. EPA conducted Site visits with Brookfield personnel on October 17 and November 19, 2019. Encapsulant on pipe wrapping and other materials that EPA had installed during previous removal activities was observed to be deteriorating due to exposure to weather conditions. There was evidence of recent, frequent trespassing in buildings containing ACM and the buildings showed signs of further deterioration.

The sampling results, along with field observations made by EPA, indicate that conditions at the Site meet the criteria for a time-critical removal action under CERCLA, as documented in Section 300.415(b)(2) of the NCP.

2. Physical location

The Site is located at 400 Anderson Avenue (44.03918056°, -75.68388889°) in the Village of Deferiet, Jefferson County, New York 13628-0040, and consists of one parcel (Lot 67) of the abandoned paper mill. The original Deferiet Paper Mill encompassed several contiguous parcels of land bisected by the Power Canal, a diverted portion of the Black River. While the original Deferiet Paper Mill parcels measure approximately 128.5 acres combined, the Site property is considered to be only Parcel #66.82-1-67, which is west of the Power Canal. The hydropower plant operated by Brookfield is situated on the Power Canal, adjacent to the Site, and measures approximately 0.5 acres.

3. Site characteristics

The Site is currently vacant and contains various partially demolished, dilapidated and neglected buildings associated with the former production of paper. The structures include the administrative offices, a boiler house, a turbine room, a sulfite mill, a machine room, storage rooms, a garage, raw material processing areas, and a wastewater treatment plant. The southern portion of the Site is the location of former coal storage areas, ash ponds, vacant lands and forested areas. The southern boundary of the Site is lined with residential properties along Wilna Avenue. In the area north of the Site is a vacant lot, the Village of Deferiet Volunteer Fire Department, the Black River and a landfill currently managed by the New York State Department of Environmental Conservation ("NYSDEC"). In the area east of the Site is the Black River Power Canal and lands encompassing structures that are former staging areas for raw materials utilized in paper manufacturing. Beyond these structures are forested and vegetated lands extending to Route 37, along which residential properties exist. In the area west of the Site are residential properties along Anderson Avenue, one of the main thoroughfares of the Village. The majority of the population in the Village lives west of the Site. Beyond the village is the Black River. Approximately 200 people live within a quarter mile of the Site.

In attempts to keep unauthorized personnel from entering the Site, a security fence is present along Anderson Avenue. However, sections of fence have consistently been observed to be damaged and evidence of unauthorized access has been noticeable. The southern boundary of the

Site is not fenced, and trails originating off Wilna Avenue onto the Site indicate frequent trespassing by vehicles and people onto the property. Graffiti and other evidence of trespassing have been observed throughout the structures located on-Site.

4. Release or threatened release into the environment of a hazardous substance, or pollutant, or contaminant

Analytical data from samples collected at the Site have identified the presence of friable asbestos, a CERCLA-designated hazardous substance as defined in 42 U.S.C. § 9601(14), and a listed hazardous substance in 40 CFR Table 302.4 of the NCP. The statutory designation for asbestos as a hazardous substance is Section 307(a) of the Clean Water Act ("CWA") and Section 112 of the Clean Air Act ("CAA"). The Site is a facility within the meaning of 42 U.S.C. § 9601(9), and the presence of asbestos, including in friable form in exterior piles of building debris at the Site, constitutes a "release" or threat of "release" as defined in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

Substances Identified	Maximum Concentration	Statutory Source for Designation as a Hazardous Substance
Asbestos - Chrysotile	30.80%	307(a) CWA, 112 CAA*
Asbestos – Crocidolite	12.50%	307(a) CWA, 112 CAA*
Asbestos – Amosite	30.00%	307(a) CWA, 112 CAA*

*Section 307(a) of the Clean Water Act and Section 112 of the Clean Air Act

Asbestos, when friable, is designated as a CERCLA hazardous substance. Friability is the ease with which a material can be crumbled, pulverized or reduced to powder when dry, by applying hand pressure. The degree of friability of the ACM determines the potential for fibers to be released into the air. Sampling and analysis conducted at the Site has identified the presence of friable chrysotile asbestos at concentrations ranging from 1.96% to 30.80%, friable crocidolite asbestos at concentrations ranging from 4.88% to 12.50%, and friable amosite asbestos at concentrations ranging from 2.56% to 30.00%. The materials in which the friable ACM is embedded are not segregable from non-ACM building debris.

The asbestos identified in insulation on-Site is uncontrolled and is releasing to the environment. Several of the on-Site buildings are missing walls or sections of roofing, are partially demolished or have large holes in the exterior walls, leaving the ACM exposed to the elements. The mechanisms potentially allowing asbestos fibers to migrate include airborne migration and tracking by Site occupants. Advanced stages of deterioration resultant from the partial demolition of the buildings, along with continued weathering, are other mechanisms contributing to the release of asbestos into the environment via wind currents and stormwater, and account for the potential exposure to nearby residential properties, public areas and occupied commercial buildings.

Additionally, direct exposure to building debris containing ACM may occur from Brookfield personnel accessing their hydroelectric plant through the alleyway or via trespassing. Direct contact with the building debris may result in disturbance and release of the friable asbestos or tracking of asbestos to off-Site areas.

5. National Priorities List ("NPL") status

The Site is not on the NPL, nor is it expected to be listed on the NPL.

6. Maps, pictures, and other graphic representations

A Site location map is included as Attachment 1. RSE sample location maps are included as Attachment 2, and photographs are included as Attachment 3.

B. Other Actions to Date

1. Previous actions

In March 2016, EPA activated and mobilized ERRS contractors to apply a sealant on asbestos-containing pipe insulation exposed in the alleyway area to protect Brookfield personnel and the public, as part of RV1 removal activities. In addition, RV1 included the development of a structural stability evaluation and an estimate of building material volumes should demolition be warranted. RV1 was completed on August 30, 2016. The temporary encapsulation protected Brookfield personnel and trespassers from asbestos exposure while traversing the alleyway area. The RV1 Action Memorandum also recommended an assessment of areas outside of the alleyway area to determine if asbestos was present in building materials, debris piles, partially demolished structures, equipment and other general locations throughout the Site. This assessment was completed in June 2017. During the assessment, tanks, drums, and other containers that contained CERCLA-designated hazardous substances were discovered, and it was determined that additional removal activities were warranted.

In July 2017, EPA activated and mobilized ERRS and RST contractors to mitigate the potential threat of release of CERCLA hazardous substances from drums and other containers at the Site, designating these removal activities as RV2. During RV2, ERRS stabilized compromised containers, conducted waste profiling activities, transferred waste into shippable drums, bulked compatible materials, overpacked compromised containers, and conducted transportation and disposal ("T&D") activities. More than 150 drums were disposed of off-Site. RV2 was completed in November 2017.

RV3 was initiated in response to continued assessment activities conducted in May 2018 and information relayed from Brookfield representatives about the ongoing deterioration of ACM within the alleyway area. In October 2018, Brookfield indicated that the encapsulant applied over ACM within the alleyway area was failing and there was a potential for workers to be exposed to friable ACM. EPA activated and mobilized ERRS contractors to apply additional sealant on asbestos-containing pipe insulation exposed in the alleyway to temporarily protect Brookfield employees and the public. RV3 activities were completed in October 2018.

2. Current actions

The scope of the proposed action described herein is a continuation of the prior asbestos-related removal activities (RV1 and RV3), and therefore, is considered an ongoing action.

C. State and Local Authorities' role

1. State and local actions to date

Local officials have visited and inspected the facility to document the debris and have attempted to contact the current property owners to request that the asbestos concerns be addressed. Neither the New York State Department of Labor ("NYSDOL") nor the NYSDEC have received any appropriate documentation from any party to address ACM currently located at the Site. In December 2015, Jefferson County requested that EPA evaluate the Site for removal action eligibility.

2. Potential for continued State/local response

There are no actions planned or being taken by any State or local government agencies to address hazardous substances present at the Site. The local municipality has notified EPA that funds are not available for addressing conditions at the Site and has requested that the Agency perform removal activities. Discussions with NYSDOL have indicated funding sources are not available to support the actions necessary to address the conditions at the Site. Discussions with NYSDEC have indicated that they do not have the financial wherewithal to perform removal activities. NYSDEC supports EPA's proposed response measures to address the asbestos.

III. THREAT TO PUBLIC HEALTH, OR WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

Asbestos is a hazardous substance as defined by 42 U.S.C. § 9601(14) and is listed in Table 302.4 of the NCP. Breathing asbestos fibers over a long period of time may result in scar-like tissue developing in the lungs and in the lining of the pleural cavity that surrounds the lungs. This disease is called asbestosis and is usually found in workers exposed to asbestos, but not the general public. People with asbestosis have difficulty breathing, aggressive coughing and in severe cases, heart enlargement. Asbestosis is a serious disease and can eventually lead to disability and death.

Breathing in asbestos fibers may also result in changes to the pleural membrane by introducing blebs, or plaques. Pleural plaques can occur in those working with asbestos products and in people living near areas with elevated levels of asbestos in the environment. Effects on breathing due to the presence of pleural plaques alone are not usually serious, however prolonged exposure can lead to thickening of the pleural membrane, which may restrict breathing.

EPA has identified conditions at the Site that meet the requirements of Section 300.415(b) of the NCP (40 CFR 300.415), which indicate that a removal action is warranted. Site conditions that correspond to factors that provide a basis for a removal action under Section 300.415 (b)(2) of the NCP include:

(1) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, or pollutants, or contaminants [300.415(b)(2)(i)];

There is an actual or potential exposure to human populations from a hazardous substance at the

Deferiet Paper Mill Site. Sample results indicate the presence of ACM at numerous locations throughout the facility. When buildings were demolished or altered to retrieve items of value, such as scrap metal and equipment, asbestos was disturbed and likely introduced into the air and likely settled on surfaces throughout the Site as there is evidence to suggest demolition activities were improperly conducted. Additionally, demolition activities have resulted in exposure and weathering of ACM. Many of the windows, doors, and walls are missing due to salvage activities, allowing ACM to be exposed to the environment and degrade. Any disturbance of this material, such as moving, natural decay, wind events, and precipitation, may cause asbestos fibers to be released into the air and via stormwater. Exposure to asbestos found at the Site can occur through inhalation, once fibers become airborne. ACM is located in areas where trespassing activities have been observed.

(2) Weather conditions that may cause hazardous substances, or pollutants to migrate or to be released [300.415(b)(2)(vi)];

Sample results indicate the presence of ACM, much of which is subject to weathering. ACM is exposed to drastic weather events, including hot summers, frigid winters and freeze/thaw cycles. Exposure to these elements may cause the material to degrade, crack, flake, and separate from any original protective wrap. Weathering causes the matrix which binds the fibers together to be broken down, releasing the fibers to the environment. Once in the environment, the stable mineral fibers persist and do not readily break down further. Wind traveling across the Site may cause asbestos fibers to be entrained in the air, increasing the likelihood of being carried downwind . In addition, rain and snow events may cause ACM to be transported to areas adjacent to the facility. Weathering is also contributing to the rapid deterioration of the on-Site structures that contain ACM. If these structures collapse, asbestos fibers will be released into the surrounding environment.

(3) The availability of other appropriate federal or State response mechanisms to respond to the release [300.415(b)(2)(vii)];

EPA is the only government agency capable of taking timely and appropriate action to respond to the threat posed by the presence of asbestos at the Site.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from the Site may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. EXEMPTION FROM STATUTORY LIMITS

A. <u>Emergency Exemption</u>

1. There is an immediate risk to public health, or welfare, or the environment;

The presence of friable asbestos or ACM on-Site poses an immediate risk to public health, welfare, or the environment. This ACM is exposed to weathering. Exposure to rain, snow and sunlight will

continue to break down the stability of the pipe wrap insulation, which can result in the asbestos fibers becoming entrained in wind currents and migrating from the Site to nearby areas. Weathering is also contributing to the rapid deterioration of on-Site structures and as they continue to collapse, asbestos fibers are being released into the environment. Residences can be found to the north and west of the Site. The nearest residential property is located across Anderson Avenue approximately 75 feet to the north.

2. Continued response actions are immediately required to prevent, limit, or mitigate an emergency; and

Asbestos is present in pipe insulation throughout partially demolished buildings on-Site that are exposed to weathering. These conditions could result in the release or potential release of asbestos fibers to the environment. Without implementing the response action proposed in this Action Memorandum, asbestos fibers may be released and migrate as material continues to deteriorate. Common wind and weathering conditions could entrain asbestos fibers which could result in the exposure of the neighboring population to asbestos.

3. Assistance will not otherwise be provided on a timely basis.

No other government entity or potentially responsible party ("PRP") can provide assistance to mitigate the public health threats on a timely basis at the Site.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

The funding requested in this Action Memorandum is necessary to mitigate the threats posed by the release or threat of release of asbestos that could impact public health and the environment through direct contact and inhalation. In order to mitigate the threat posed by the Site, EPA plans to perform asbestos abatement where it is safe to do so and disposal of the ACM. In areas where working conditions are unsafe for abatement activities, encapsulant will be applied to ACM where it is safe to do so. Site security measures, such as placement of fencing and signage, also will be undertaken to limit contact with remaining ACM. All ACM will not be removed during this phase of the removal action due to safety concerns with physically accessing dilapidated areas that are not structurally sound.

The removal activities will include:

- Provide appropriate notifications to local, state and federal agencies;
- Conduct an engineering evaluation of each building/area where ACM or SACM was found to be present (boiler house, turbine building, paper machine room, beater room, wet room, alleyway, and company garage) to determine if any safe ACM abatement and/or encapsulation activities can occur;

- Develop a Project Design Plan by a Project Designer in accordance with Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("12 NYCRR Part 56"), also known as Code Rule 56;
- Bulk removal of asbestos debris in areas where this activity is determined to be safe for personnel;
- Abate ACM from piping and other structures in areas where this activity is determined to be safe for personnel;
- Apply encapsulant over ACM for stabilization of ACM in areas where this activity is determined to be safer for personnel than abatement;
- Install fencing or other barriers to limit access to areas where ACM is not addressed due to structural concerns with the buildings or other physical hazards;
- Repair and/or replace existing Site perimeter fencing;
- Place asbestos warning, no trespassing, and other signage around Site perimeter and building exteriors; and
- Dispose of any additional containers of hazardous substances identified as impacting the environment during the course of the removal action properly at off-site facilities.

Off-site disposal of hazardous waste and/or substances will comply with the EPA Off-Site Rule, 40 CFR 300.440. Post-removal Site control measures may be necessary by a local, state, or federal agency, including monitoring for any changing Site conditions and installation of additional signage, fencing, and/or other barriers, as needed.

2. Contribution to remedial performance

The response measures documented in this Action Memorandum will address the threats to the public of direct contact with asbestos. The RV4 activities are consistent with the requirement of Section 104(a)(2) of CERCLA, in that they will contribute to the efficient performance of any long-term remedial action with respect to the release or threatened release concerned. Currently there are no long-term remedial actions planned for the Site.

3. Applicable or Relevant and Appropriate Requirements ("ARARs")

Removal actions conducted under CERCLA are required to attain ARARs to the extent practicable given the exigencies of the situation. ARARs within the scope of this project include Section 112(b)(1) of the CAA and 40 CFR Part 61, Subpart M of the National Emissions Standards for Hazardous Air Pollutants ("NESHAP"). The CAA and NESHAP requirements will be met to the extent practicable. NYSDOL Code Rule 56, pertaining to asbestos handling by workers, will be met to the extent practicable. In addition, all hazardous substances, pollutants, or contaminants removed from the Site pursuant to this removal action for off-Site treatment, storage, or disposal will be treated, stored, or disposed of in compliance with: (a) Section 121(d)(3) of CERCLA, 42 U.S.C. § 9621(d)(3); (b) Section 300.440 of the NCP; (c) Resource Conservation and Recovery Act;; and (d) all other applicable federal and state requirements. Other ARARs from New York State may be forthcoming in response to a request for ARARs from EPA to NYSDEC via letter which is included as Attachment 4.

4. Project Schedule

Field activities can be initiated within four weeks following the approval of this Action Memorandum depending on contractor and/or subcontractor availability. The project is expected to take approximately two months to complete. This schedule is contingent upon weather conditions, the condition of on-site structures, and complexity associated with asbestos abatement and encapsulation, availability of disposal facilities in compliance with the EPA Off-Site Rule, and un-interrupted site access.

B. Estimated Costs

The estimated costs for the work under this Action Memorandum are summarized below along with the total costs for all RVs at the Site and a confidential independent government cost estimate was prepared.

Direct Extramural Costs	Current Project Ceiling (RV1, RV2, & RV3)	Funding Requested in this Action Memorandum (RV4)	Revised Total Project Ceiling
Regional Allowance Costs (Total clean-up contractor including labor, equipment, materials, 20% contingency)	$400,000	$1,017,000	$1,417,000
Total RST 3 Costs	$37,000	$20,000	$57,000
Subtotal, Extramural Costs	$437,000	$1,037,000	$1,474,000
Extramural Contingency 20%	$47,000	$207,000	$254,000
Total Direct Extramural Costs	$484,000	$1,244,000	$1,728,000

VII. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

If the proposed actions described in this memorandum are not implemented, the threats posed to human health and the environment by asbestos present at the Site will persist.

VIII. OUTSTANDING POLICY ISSUES

The removal involves nationally significant and precedent-setting issues because it involves the release of asbestos. In consultation with EPA HQ OEM, HQ concurrence on this Action Memorandum is not required because it is for a ceiling increase and 12-month exemption without a significant change in scope since asbestos mitigation continues to be the primary focus of this removal action.

IX. ENFORCEMENT

EPA's search for PRPs is ongoing. Prior owners associated with paper milling at the Site are all defunct. Deferiet Development, LLC is an owner of part of the Site. Deferiet Development, LLC has informed EPA that they are not able to conduct any response activities at the Site.

ENFORCEMENT COST ESTIMATE

The total cost for all removal activities at the Site (RV1, RV2, RV3, and RV4), based on full-cost accounting practices that will be eligible for cost recovery, is estimated to be $2,795,562 and was calculated as follows:

COST CATEGORY	AMOUNT
Direct Extramural Cost	$1,728,000
Direct Intramural Cost	$160,000
Subtotal Direct Costs	$1,888,000
Indirect Costs (Indirect Regional Cost Rate 48.07%)	$907,562
Estimated EPA Costs Eligible for Cost Recovery	$2,795,562

Note: Direct costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual costs from this estimate will affect the United States' right to cost recovery.

X. RECOMMENDATION

This decision document represents the selected removal activity for the Deferiet Paper Mill Site located in the Village of Deferiet, Jefferson County, New York. This document has been developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based on the administrative record for the Site.

Conditions at the Site continue to meet the criteria for CERCLA Section 104(c) emergency exemption and I recommend your approval of the ceiling increase and 12-month limitation. The current approved project ceiling for the Site is $484,000, of which $400,000 is for mitigation contracting. The total Site project ceiling increase requested is $1,244,000, of which $1,017,000 is for mitigation contracting, bringing the total project ceiling to $1,728,000, of which $1,417,000 is for mitigation contracting. There are sufficient funds available in the FY-20 Advice of Allowance to complete these removal activities. The schedule for Site activities will not be impeded by these funding limitations.

Please indicate your formal approval of the ceiling increase for the removal action at the Deferiet Paper Mill Site, as per current Delegation of Authority, by signing below.

Approved: Evangelista, Pat Digitally signed by Evangelista, Pat Date: 2020.08.26 11:08:23 -04'00'

Pat Evangelista, Director
Superfund and Emergency Management Division

Disapproved: _____

Pat Evangelista, Director
Superfund and Emergency Management Division

cc: (upon approval)
J. Prince, SEMD-DD
J. Rotola, SEMD-RAB
M. Gregor, SEMD-RAB
B. Grealish, SEMD-RAB
T. Lieber, ORC
V. Capon, ORC-NYCSFB
A. Cirillo, ORC-NYCSFB
M. Mears, PAD
B. Schlieger, 5104A
M. Ottariano, OPM-GCMB (Acting)
P. McKechnie, OIG
T. Benton, START
P. Taylor, NYSDEC
S. Harrison, NYSDEC
M. Walter, NYSDEC
A. Raddant, USDOI
J. Meacham, NYSDOL
L. Carrock, NYSDOL

ACTION MEMORANDUM FOR THE
DEFERIET PAPER MILL SITE
VILLAGE OF DEFERIET, NY
SITE ID# A26F

APPENDIX A

ATTACHMENT 1: Site Location Maps

ATTACHMENT 2: Sample Maps and Data Summary Tables

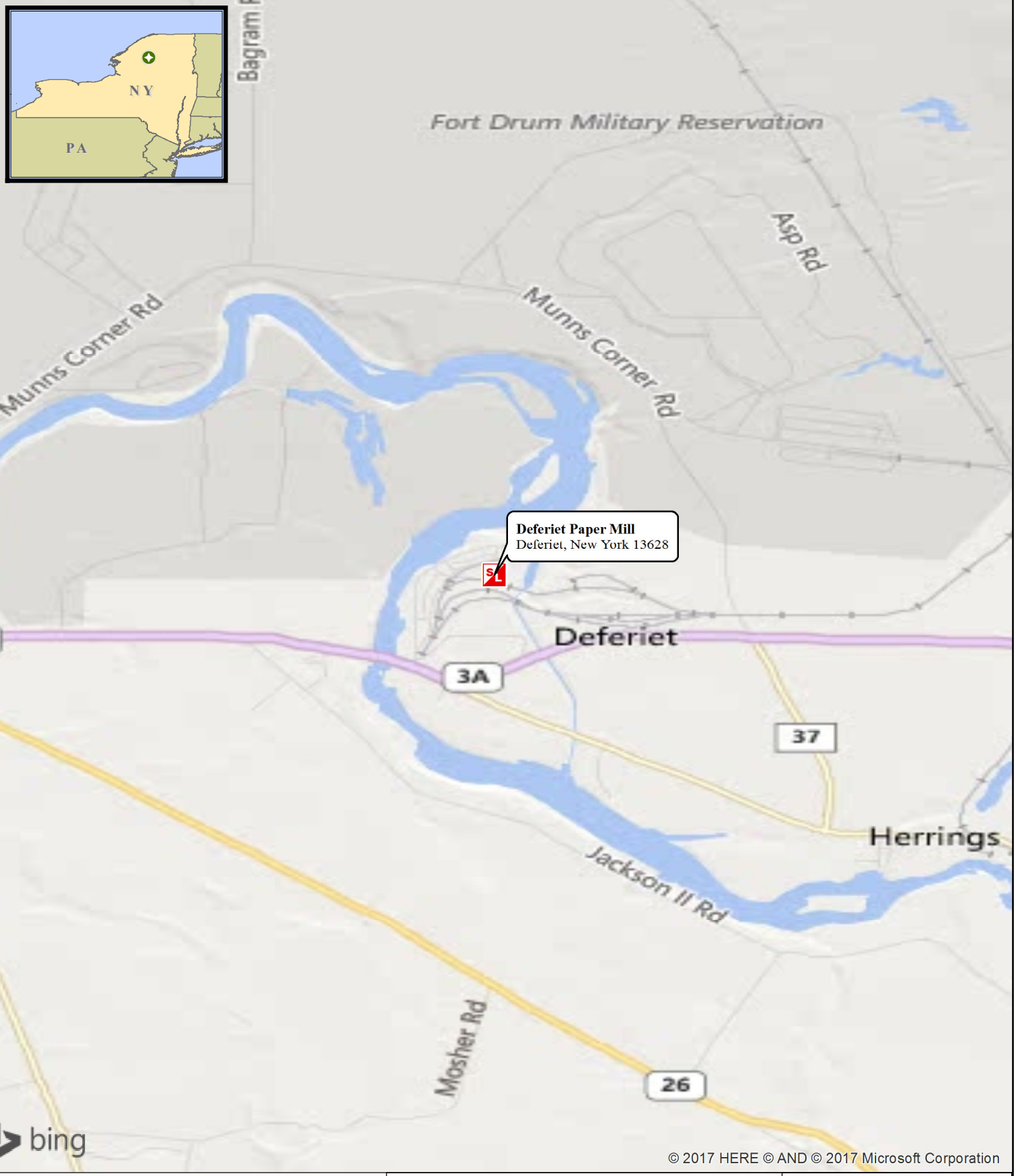
ATTACHMENT 3: Site Photographs

ATTACHMENT 4: ARAR Letter to NYSDEC

ACTION MEMORANDUM FOR THE
DEFERIET PAPER MILL SITE
VILLAGE OF DEFERIET, NY
SITE ID# A26F

ATTACHMENT 1

Site Location Maps



Legend

SL Site Location

N

0 0.175 0.35 0.7 1.05 1.4 Miles

Weston Solutions, Inc.
East Division

In Association With
Scientific and Environmental Associates, Inc.,
Environmental Compliance Consultants, Inc.,
Avatar Environmental, LLC, On-Site Environmental,
Inc.and Sovereign Consulting, Inc

Figure 1:
Site Location Map

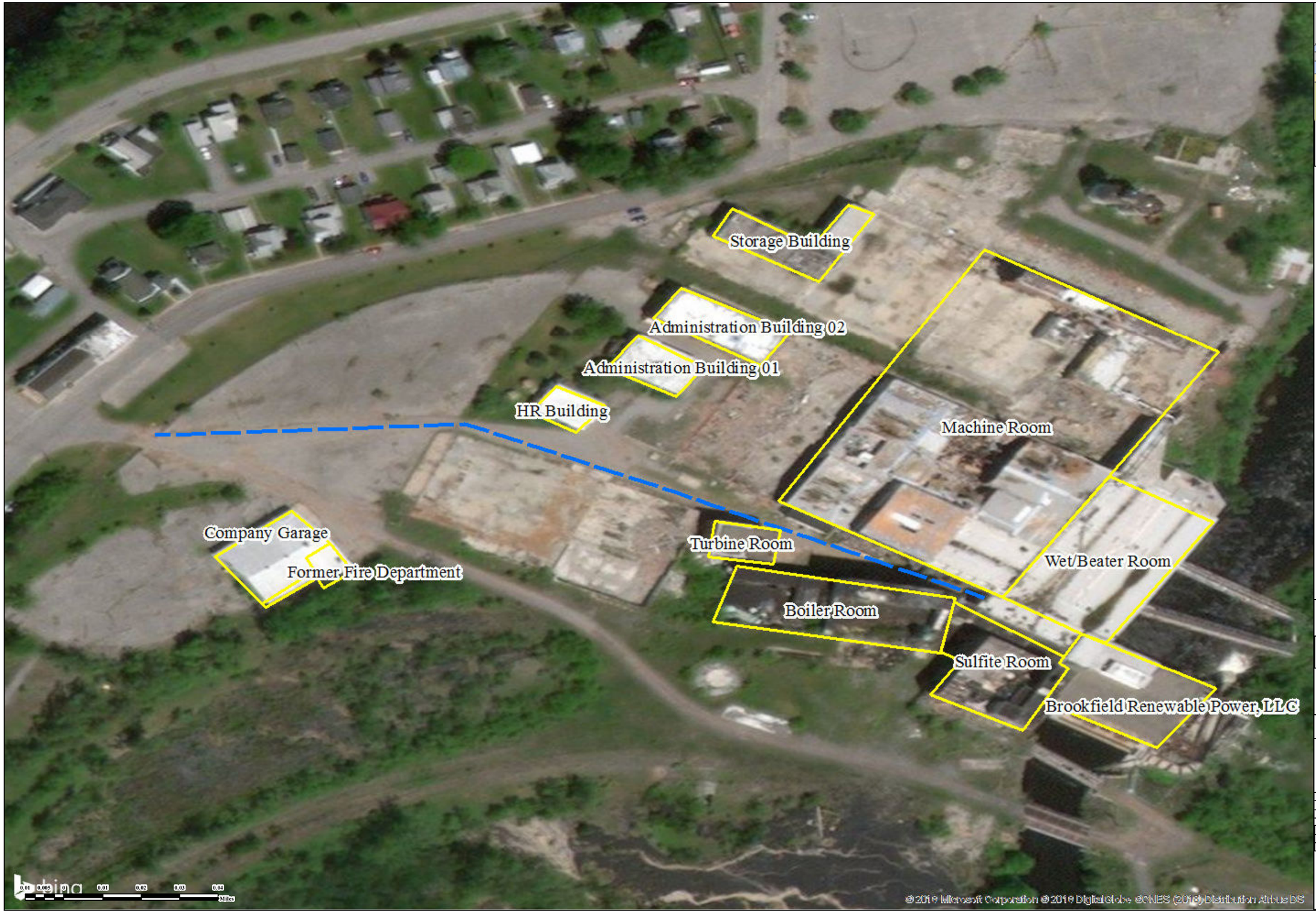
Deferiet Paper Mill Site
Deferiet, New York

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL SUPPORT TEAM 3
CONTRACT # EP-S2-14-01

DATE MODIFIED: 5/31/2017

GIS ANALYST:	M. Beuthe
EPA OSC:	K. Glenn
RST SPM:	M. Beuthe
FILENAME:	20170531_SITELOCATIONMAP.MXD

\\FSED2DATA1\GISDATA\RST_3\00070198\MXD\20170531_SITELOCATIONMAP.MXD



SCALE

1:1,500

LEGEND

Site Locations

Easement Area

FIGURE 2:
Site Layout Map

Deferiet Paper Mill Site
Deferiet, NY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REMOVAL SUPPORT TEAM 3
CONTRACT # EP-S2-14-01

Weston Solutions, Inc.

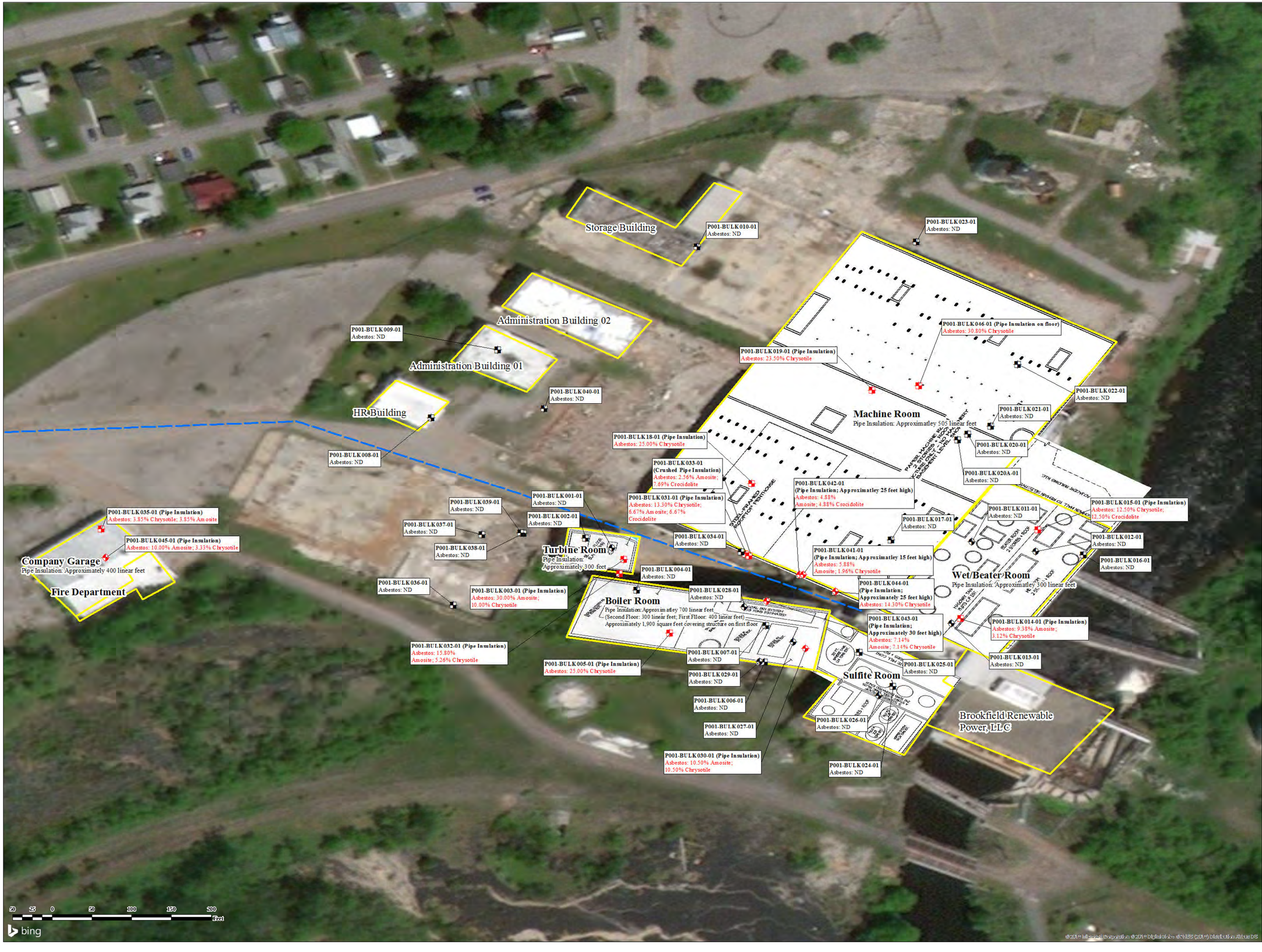
In Association With
Scientific and Environmental Associates, Inc., Environmental Compliance Consultants, Inc., Avatar Environmental, LLC, On-Site Environmental, Inc., and Sovereign Consulting, Inc.

GIS ANALYST:	M. BEUTHE
EPA OSC:	K. GLENN
RST 2 SPM:	M. BEUTHE
FILENAME:	20170628_SITELAYOUTMAP.MXD
FIGURE	2
REVISION	0
DATE MODIFIED	6/28/2017

ACTION MEMORANDUM FOR THE
DEFERIET PAPER MILL SITE
VILLAGE OF DEFERIET, NY
SITE ID# A26F

ATTACHMENT 2

Sample Maps and Data Summary Tables



SCALE

1:665

LEGEND

- Site Locations
- Easement Area
- SACM Samples Collected from the First Floor and from Ground Level- No Asbestos Detected.
- SACM Samples Collected from the Second Floor - No Asbestos Detected
- SACM Samples Collected from the First Floor and Ground Level - Asbestos Detected.
- SACM Samples Collected from the Second Floor and from Elvated Locations - Asbestos Detected

Notes

SACM -Suspect Asbestos Containing Material

ND - Non-Detect

Bulk SACM Results Map June 2017 and May 2018 Removal Assessments

Deferiet Paper Mill Site
Deferiet, NY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REMOVAL SUPPORT TEAM 3
CONTRACT # EP-S2-14-01

Weston Solutions, Inc.

In Association With
Scientific and Environmental Associates, Inc., Environmental Compliance Consultants, Inc., Avatar Environmental, LLC, On-Site Environmental, Inc., and Sovereign Consulting, Inc.

GIS ANALYST:	M. BEUTHE
EPA OSC:	K. GLENN
RST 3 SPM:	M. BEUTHE
FILENAME:	180601_COMBSACMRESULTS.MXD
FIGURE	0
REVISION	0
DATE MODIFIED	6/4/2018

WESTON SOLUTIONS

Table 2: Analytical Results Summary Table - Asbestos
Deferiet Paper Mill Site
Deferiet, Jefferson County, New York
June 7, 2017

RST 3 Sample Number	P001-BULK001-01	P001-BULK002-01	P001-BULK003-01	P001-BULK004-01	P001-BULK005-01
Material Description	Insulation	Insulation	Insulation	Insulation	Insulation
Location	Turbine Room	Turbine Room	Turbine Room	Boiler Room	Boiler Room
Sub-Location	Second Floor	First Floor	First Floor	First Floor	First Floor
Sampling Date	6/7/2017	6/7/2017	6/7/2017	6/7/2017	6/7/2017
Sample Matrix	Bulk SACM	Bulk SACM	Bulk SACM	Bulk SACM	Bulk SACM
Results					
Non-Asbestos: Appearance	White, Friable, Homogenous	White, Friable, Homogenous	White, Friable, Homogenous	White, Friable, Homogenous	Brown, Friable, Homogenous
Non-Asbestos: % Fibrous Material	98.00% Min. Wool	95.00% Glass	NA	10.00% Synthetic, 5.00% Glass	NA
Non-Asbestos: % Non-fibrous Material	2.00% Non-fibrous (Other)	5.00% Non-fibrous (Other)	60.00% Non-fibrous (Other)	85.00% Non-fibrous (Other)	75.00% Non-fibrous (Other)
Asbestos: % Type	None Detected	None Detected	**30.00% Amosite, 10.00% Chrysotile**	None Detected	**25.00% Chrysotile**

RST 3 Sample Number	P001-BULK006-01	P001-BULK007-01	P001-BULK008-01	P001-BULK009-01	P001-BULK010-01
Material Description	Insulation	Mortar	Ceiling Tile	Paint	Insulation
Location	Boiler Room	Boiler Room	HR Building	Admin Building	Storage Building
Sub-Location	First Floor	First Floor	First Floor	Stairway Wall	First Floor
Sampling Date	6/7/2017	6/7/2017	6/7/2017	6/7/2017	6/7/2017
Sample Matrix	Bulk SACM	Bulk SACM	Bulk SACM	Bulk SACM	Bulk SACM
Results					
Non-Asbestos: Appearance	White, Friable, Homogenous	Tan, Friable, Homogenous	White, NOB, Homogenous	Tan/White, Friable, Homogenous	Yellow, Friable, Homogenous
Non-Asbestos: % Fibrous Material	15.00% Synthetic, 5.00% Glass	NA	25.4% Min. Wool	NA	95.00% Min. Wool
Non-Asbestos: % Non-fibrous Material	2.00% Mica, 78.00% Non-fibrous (Other)	100.00% Non-fibrous (Other)	NA	100.00% Non-fibrous (Other)	5.00% Non-fibrous (Other)
Asbestos: % Type	None Detected	None Detected	None Detected	None Detected	None Detected

RST 3 Sample Number	P001-BULK011-01	P001-BULK012-01	P001-BULK013-01	P001-BULK014-01	P001-BULK015-01
Material Description	Insulation	Powder	Paint	Insulation	Insulation
Location	Machine Room	Wet/Beater Room	Wet/Beater Room	Wet/Beater Room	Wet/Beater Room
Sub-Location	Second Floor	Second Floor	Second Floor	First Floor	First Floor
Sampling Date	6/7/2017	6/7/2017	6/7/2017	6/7/2017	6/7/2017
Sample Matrix	Bulk SACM	Bulk SACM	Bulk SACM	Bulk SACM	Bulk SACM
Results					
Non-Asbestos: Appearance	Brown/Black, Friable, Homogenous	Purple, Friable, Homogenous	Gray, Friable, Homogenous	Brown, Friable, Homogenous	Gray, Friable, Homogenous
Non-Asbestos: % Fibrous Material	50.00% Cellulose	5.00% Cellulose	50.00% Cellulose	NA	NA
Non-Asbestos: % Non-fibrous Material	15.00% Mica, 35.00% Non-fibrous (Other)	95.00% Non-fibrous (Other)	50.00% Non-fibrous (Other)	87.50% Non-fibrous (Other)	75.00% Non-fibrous (Other)
Asbestos: % Type	None Detected	None Detected	None Detected	**9.38% Amosite, 3.12% Chrysotile**	**12.50% Chrysotile, 12.50% Crocidolite**

Notes:
RST 3 - Removal Support Team 3
SACM - Suspect Asbestos Containing Material
% - Percent
NOB - Non Friable Organically Bound
NA - Not Applicable
Results greater than one percent asbestos are reported in bold, red font.

Table 2: Analytical Results Summary Table - Asbestos
Deferiet Paper Mill Site
Deferiet, Jefferson County, New York
June 7, 2017

RST 3 Sample Number	P001-BULK016-01	P001-BULK017-01	P001-BULK018-01	P001-BULK019-01	P001-BULK020-01
Material Description	Powder	Insulation	Insulation	Insulation	Insulation
Location	Wet/Beater Room	Wet/Beater Room	Machine Room	Machine Room	Machine Room
Sub-Location	First Floor	First Floor	First Floor	First Floor	First Floor
Sampling Date	6/7/2017	6/7/2017	6/7/2017	6/7/2017	6/7/2017
Sample Matrix	Bulk SACM	Bulk SACM	Bulk SACM	Bulk SACM	Bulk SACM
Results					
Non-Asbestos: Appearance	White, Friable, Homogenous	Brown/Gray, Friable, Heterogeneous	Gray, Friable, Homogenous	Gray, Friable, Homogenous	White, Friable, Homogenous
Non-Asbestos: % Fibrous Material	10.00% Cellulose	70.00% Cellulose	NA	NA	20.00% Synthetic, 10.00% Glass
Non-Asbestos: % Non-fibrous Material	90.00% Non-fibrous (Other)	30.00% Non-fibrous (Other)	75.00% Non-fibrous (Other)	76.50% Non-fibrous (Other)	70.00% Non-fibrous (Other)
Asbestos: % Type	None Detected	None Detected	**25.00% Chrysotile**	**23.50% Chrysotile**	None Detected

RST 3 Sample Number	P001-BULK021-01	P001-BULK022-01	P001-BULK023-01	P001-BULK024-01	P001-BULK025-01
Material Description	Roofing	Insulation	Roofing	Insulation	Insulation
Location	Machine Room	Wet/Beater Room	Wet/Beater Room	Sulfite Room	Sulfite Room
Sub-Location	First Floor	First Floor	Outside Wet/Beater Room	First Floor	First Floor
Sampling Date	6/7/2017	6/7/2017	6/7/2017	6/7/2017	6/7/2017
Sample Matrix	Bulk SACM	Bulk SACM	Bulk SACM	Bulk SACM	Bulk SACM
Results					
Non-Asbestos: Appearance	Black, NOB, Homogenous	Various, Friable, Heterogeneous	Black, NOB, Homogenous	White, Friable, Homogenous	Tan, Friable, Homogenous
Non-Asbestos: % Fibrous Material	NA	80.00% Cellulose	NA	10.00% Synthetic, 10.00% Glass	10.00% Cellulose, 10.00% Synthetic
Non-Asbestos: % Non-fibrous Material	NA	14.40% Non-fibrous (Other), 5.60% Vermiculite	NA	80.00% Non-fibrous (Other)	80.00% Non-fibrous (Other)
Asbestos: % Type	None Detected	None Detected	None Detected	None Detected	None Detected

RST 3 Sample Number	P001-BULK026-01	P001-BULK027-01	P001-BULK028-01	P001-BULK029-01	P001-BULK030-01
Material Description	Mortar	Insulation	Insulation	Solidified Ash	Insulation
Location	Sulfite Room	Boiler Room	Boiler Room	Boiler Room	Boiler Room
Sub-Location	Second Floor	Second Floor	Second Floor	Second Floor	Second Floor
Sampling Date	6/7/2017	6/7/2017	6/7/2017	6/7/2017	6/7/2017
Sample Matrix	Bulk SACM	Bulk SACM	Bulk SACM	Bulk SACM	Bulk SACM
Results					
Non-Asbestos: Appearance	Brown/Gray, Friable, Homogenous	White/Black, Friable, Homogenous	Pink, Friable, Homogenous	Black/Rust, Friable, Homogenous	Tan, Friable, Homogenous
Non-Asbestos: % Fibrous Material	NA	50.00% Glass	NA	NA	NA
Non-Asbestos: % Non-fibrous Material	100.00% Non-fibrous (Other)	50.00% Non-fibrous (Other)	100.00% Non-fibrous (Other)	100.00% Non-fibrous (Other)	79.00% Non-fibrous (Other)
Asbestos: % Type	None Detected	None Detected	None Detected	None Detected	**10.50% Amosite, 10.50% Chrysotile**

Notes:
RST 3 - Removal Support Team 3
SACM - Suspect Asbestos Containing Material
% - Percent
NOB - Non Friable Organically Bound
NA - Not Applicable
Results greater than one percent asbestos are reported in bold, red font.

Table 1: Sample Collection and Validated Analytical Results Summary Table - Asbestos
Deferiet Paper Mill Site
Deferiet, Jefferson County, New York
June 7, 2017

RST 3 Sample Number	P001-BULK020A-01	P001-BULK031-01	P001-BULK032-01	P001-BULK033-01	P001-BULK034-01	P001-BULK035-01
Material Description	Insulation	Insulation	Insulation	Crushed Insulation	Brick Surface	Insulation
Location	Machine Room	Easement	Easement	Easement	Easement	Maintenance Garage
Sub-Location	First Floor	Outside Machine Room, Ground Level	Outside Turbine Room, Ground Level	Outside Machine Room, Ground Level	First Floor	Northern Storage Room
Sampling Date	5/8/2018	5/8/2018	5/8/2018	5/8/2018	5/8/2018	5/8/2018
Sample Matrix	Bulk SACM	Bulk SACM	Bulk SACM	Bulk SACM	Bulk SACM	Bulk SACM
Results						
Non-Asbestos: Appearance	Yellow, Friable, Homogenous	Gray, Friable, Homogeneous	Gray, Friable, Homogenous	White, Friable, Homogenous	Gray, Friable, Homogenous	White, Friable, Homogenous
Non-Asbestos: % Fibrous Material	10.00% Synthetic, 10.00% Glass	NA	NA	20.00% Min. Wool	NA	NA
Non-Asbestos: % Non-fibrous Material	80.00% Non-fibrous (Other)	73.36% Non-fibrous (Other)	78.94% Non-fibrous (Other)	69.75% Non-fibrous (Other)	100.00% Non-fibrous (Other)	92.30% Non-fibrous (Other)
Asbestos: % Type	None Detected	**6.67% Amosite, 13.30% Chrysotile, 6.67% Crocidolite**	**15.80% Amosite, 5.26% Chrysotile**	**2.56% Amosite, 7.69% Crocidolite**	None Detected	**3.85% Amosite, 3.85% Chrysotile**

RST 3 Sample Number	P001-BULK036-01	P001-BULK037-01	P001-BULK038-01	P001-BULK039-01	P001-BULK040-01	P001-BULK041-01
Material Description	Insulation	Insulation	Rock Material	Mortar	Insulation	Insulation
Location	Debris Pile	Debris Pile	Debris Pile	Debris Pile	Debris Pile	Easement
Sub-Location	Near Turbine Room	Near Turbine Room	Near Turbine Room	Near Turbine Room	Near Administration Building 1	Outside of Machine Room, 15 ft. High
Sampling Date	5/8/2018	5/8/2018	5/8/2018	5/8/2018	5/8/2018	5/8/2018
Sample Matrix	Bulk SACM	Bulk SACM	Bulk SACM	Bulk SACM	Bulk SACM	Bulk SACM
Results						
Non-Asbestos: Appearance	Brown/Gray, Friable, Heterogeneous	Grey/Yellow, Friable, Homogenous	Gray, Friable, Homogenous	Gray, Friable, Homogenous	Gray/Yellow, Friable, Homogenous	White, Friable, Homogenous
Non-Asbestos: % Fibrous Material	NA	90% glass	NA	NA	90% Glass	NA
Non-Asbestos: % Non-fibrous Material	100.00% Non-fibrous (Other)	10% Non-fibrous (Other)	100.00% Non-fibrous (Other)	100.00% Non-fibrous (Other)	10% Non-fibrous (Other)	92.16% Non-fibrous (Other)
Asbestos: % Type	None Detected	None Detected	None Detected	None Detected	None Detected	**5.88% Amosite, 1.96% Chrysotile**

RST 3 Sample Number	P001-BULK042-01	P001-BULK043-01	P001-BULK044-01	P001-BULK045-01	P001-BULK046-01
Material Description	Insulation	Insulation	Insulation	Insulation	Insulation
Location	Easement	Easement	Easement	Maintenance Garage	Machine Room
Sub-Location	Outside of Machine Room, 25 ft. High	Outside Boiler Room, 30 ft. High	Between Machine and Wet Beater Room, 30 ft. High	Northern Area, 20 ft. High	Debris Pile
Sampling Date	5/8/2018	5/8/2018	5/8/2018	5/8/2018	5/8/2018
Sample Matrix	Bulk SACM	Bulk SACM	Bulk SACM	Bulk SACM	Bulk SACM
Results					
Non-Asbestos: Appearance	White, Friable, Homogenous	Gray/White, Friable, Homogenous	Gray, Friable, Homogenous	White, Friable, Homogenous	Tan, Friable, Homogeneous
Non-Asbestos: % Fibrous Material	NA	40.00% Hair	NA	NA	NA
Non-Asbestos: % Non-fibrous Material	90.24% Non-fibrous (Other)	45.72% Non-fibrous (Other)	85.70% Non-fibrous (Other)	86.67% Non-fibrous (Other)	69.20% Non-fibrous (Other)
Asbestos: % Type	**4.88% Amosite, < 1% Chrysotile, 4.88% Crocidolite**	**7.14% Amosite, 7.14% Chrysotile**	**14.30% Chrysotile**	**10.00% Amosite, 3.33% Chrysotile**	**30.80% Chrysotile**

Notes:
RST 3 - Removal Support Team 3
SACM - Suspected Asbestos Containing Material
% - Percent
NA - Not Applicable
* All samples were analyzed by polar light microscopy (PLM) and/or transmission electron microscopy (TEM).
* Analytical results compared with the U.S. Environmental Protection Agency (EPA) National Emission Standards for Hazardous Air Pollutants (NESHAP) which defines asbestos containing material (ACM) as material containing more than 1% asbestos.
Results greater than 1% asbestos are reported in bold red font.

ACTION MEMORANDUM FOR THE
DEFERIET PAPER MILL SITE
VILLAGE OF DEFERIET, NY
SITE ID# A26F

ATTACHMENT 3

Site Photographs

View facing southeast of the machine room (left) and turbine room (right). Some of the partially demolished walls of the turbine room can be seen.

View facing southeast of the machine room. Some of the partially demolished walls of the machine room can be seen.

View of the alleyway that is traversed by Brookfield personnel to enter their power generation facility. ACM within this alleyway was encapsulated during RV1 and RV3.

Deteriorating ACM encapsulant within the alleyway. The encapsulant begins to deteriorate within a year or two of application.

Additional deteriorating ACM encapsulant within the alleyway.

Inside of the boiler room. Asbestos insulation is exposed to weathering and has an egress due to the collapsed roof.

Inside of the wet/beater room where the wall is bowing. If this collapses there will be a release of asbestos into the air and Black River channel.

Deteriorating ACM in the wet/beater room. This is the typical asbestos insulation found throughout the wet/beater room, machine room, turbine room, and boiler house.

ATTACHMENT 4

ARAR Letter to NYSDEC

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

7/30/2020

Mr. Kevin Hale, Chief
Spill Response & Facility Compliance
New York State Department of Environmental Conservation
625 Broadway, 12th Floor Albany, NY 12233-7011

RE: Deferiet Paper Mill Site

EPA Site ID: A26F
CERCLIS ID: NYD002229269
400 Anderson Avenue
Deferiet, Jefferson County, New York

Dear Mr. Hale:

As you are aware, the U.S. Environmental Protection Agency ("EPA") Region 2 Superfund program is planning to commence a removal action at the Deferiet Paper Mill Site, Jefferson County, New York. To perform this action, the EPA will attempt to comply, to the extent practicable, with all applicable or relevant and appropriate State requirements ("ARARs"). This letter formally requests that the State of New York agree or identify any additional potential ARARs for this Site. A statement of work proposed for the removal action is attached for reference.

The EPA requests that an appropriate State official review the list of potential ARARs in the table provided below. To qualify as State ARARs, these requirements must be promulgated. A State requirement is promulgated if it is legally enforceable and of general applicability.

Your timely response will ensure that New York requirements will be considered when conducting the removal action. EPA requests that all information concerning State ARARs be received in writing within fourteen days of the date of this letter. Also, please feel free to contact me if additional information on the site is needed for the purpose of reviewing the enclosures.

Any State policies or guidance will be considered, even if they are not ARARs. The EPA will examine your responses to determine whether they are applicable, or relevant and appropriate to the site to the extent practicable. It is important to clarify, however, that all potential State ARARs identified in the tables may not be met during the removal action.

Should you have any questions concerning this matter, please do not hesitate to contact me at (732) 321-6658, or for technical issues, Joel Petty at (732) 321-4388.

Sincerely,

Joseph D. Rotola, Chief
Removal Action Branch
Emergency and Remedial Response Division

Enclosures

Deferiet Paper Mill Site

Proposed Removal Action – Statement of Work

The removal activities will include:

- Provide appropriate notifications to local, state and federal agencies;
- Conduct an engineering evaluation of each building/area where ACM or SACM was found to be present (boiler house, turbine building, paper machine room, beater room, wet room, alleyway, and company garage) to determine if any safe ACM abatement and/or encapsulation activities can occur;
- Develop a Project Design Plan by a Project Designer in accordance with Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("12 NYCRR Part 56"), also known as Code Rule 56;
- Bulk removal of asbestos debris in areas where this activity is determined to be safe for personnel;
- Abate ACM from piping and other structures in areas where this activity is determined to be safe for personnel;
- Apply encapsulant over ACM for stabilization of ACM in areas where this activity is determined to be safer for personnel than abatement;
- Install fencing or other barriers to limit access to areas where ACM is not addressed due to structural concerns with the buildings or other physical hazards;
- Repair and/or replace existing Site perimeter fencing;
- Place asbestos warning, no trespassing, and other signage around Site perimeter and building exteriors;
- Dispose of any additional containers of hazardous substances identified as impacting the environment during the course of the removal action properly at off-site facilities; and
- Off-site disposal of hazardous waste and/or substances will comply with the EPA Off-Site Rule, 40 CFR 300.440.

TABLE 1: POTENTIAL ARARs

Action Subject to Requirement	Requirement	Reason Why Requirement is an ARAR	Regulatory Citation
Cleanup of Asbestos Containing Material	Third Party Air Monitor; Abatement Procedures; Dust Controls; Transportation	To ensure that ACM is not carried off-site during demolition, consolidation, abatement and containment activities.	12 NYCRR Part 56
Demolition and Disposal of Asbestos Containing Material	Building Demolition; Wetting of Material	Utilization of best management practices under NESHAPS to protect public health, including keeping debris wet until material is disposed of.	40 CFR Part 61 Subpart M
Demolition and Removal of Asbestos Containing Material	Air Monitoring	The removal of contaminated materials may generate a release of regulated pollutants. Air monitoring for particulate matter along the perimeter of the operational are will be necessary to determine any releases off-site.	40 CFR Part 61: 42 U.S.C. Section 112(b)(1)
Transportation and Disposal of Material	Transportation; Disposal	To ensure the packaging and transportation of materials to off-site locations is in compliance with regulations.	RCRA